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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,762	08/27/2001	Mark E. Pecen	CS99025RL	5766

20280 7590 12/26/2002

MOTOROLA INC
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EXAMINER

NGUYEN, THUAN T

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 12/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,762

Applicant(s)

Pecen et al.

Examiner

Thuan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 27, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 & 5 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Joao et al. (U.S. Patent No. 5,878,337/ or "Joao" hereinafter).

Regarding claims 1-8, Joao discloses a real-time and interactive wireless communication system that a user at the terminal point, or at the communication application of a mobile wireless communication device, for example, whether a cellular phone or a personal computer or a pager (Figs. 1, 3, 7, 9, 10 7 11) can request for transactions (purchases, banking, call connection and etc.) and selects the applications based on the costs provided by the vendors/sellers at point-of-sale terminal (Fig. 1) or at a transaction terminal 302 (Fig. 10). Joao further discloses the step of requesting, selecting, rejecting or accepting the cost of transactions before hand, and then receiving the costs and the user charges his/her credits based on at least partly on the credit to the user of the communication application, through a authorization process whether to authorize or

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unauthorized the transactions (Figs. 9 & 9 (cont.)). The entire process is conducted within a wireless communication network (see col. 3/line 60 to col. 4/line 56; col. 5/lines 3-39; col. 7/line 30 to col. 8/line 22 for transaction information including authorization, spending limits, types of transactions, types of goods and services, daily spending limits, and other limitations; col. 8/line 60 to col. 9/line 53 for security issues; and col. 11/lines 25-59 for Internet accesses as well as transactions in real-time). Joao further includes a server computer to handle the transactions between vendors and users (Fig. 10/item 350; and col. 35/lines 19-59).

As for claims 8-22, these claims with same limitations are rejected for the reasons given in the scope of claims 1-8 as already disclosed above (see Joao reference for further details & embodiments not limited to any type of any communication systems (col. 4/lines 32-41) and to any type of receiving either stationary or wireless/mobile apparatus (col. 5/lines 3-19).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Kikinis (US Patents 6,421,325 B1 & 6,078,566) and Caci (US Patent 6,154,658) disclose communication systems with providing wireless transactions over the Internet in real-time.

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4. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:
(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703) 308-6732.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.


DANIEL HUNTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Tony T. Nguyen
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December 16, 2002